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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 KENNETH WAYNE RICH,

No. 2:05-cv-00892-MCE-GGH P

12 Petitioner,

13 vs.

ORDER

14 MATTHEW MARTEL, Warden,

15 Respondent.
16 _____/

17 Petitioner, a state prisoner proceeding with counsel, has filed this application for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On July 18, 2008, the magistrate judge filed findings and recommendations herein which
21 were served on all parties and which contained notice to all parties that any objections to the
22 findings and recommendations were to be filed within twenty days. Petitioner has filed
23 objections to the findings and recommendations.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304,
2 this court has conducted a de novo review of this case. Having carefully reviewed the entire file,
3 the court finds the findings and recommendations to be supported by the record and by proper
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed July 18, 2008, are adopted in full; and
7 2. Both petitioner's motion for summary judgment, filed on November 19, 2007
8 (# 28), which came on for hearing on December 20, 2007, and the habeas petition, are denied.

9 Dated: August 26, 2008

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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